

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Petition for Reconsideration Filed by Competitive	)	NSD File No. L-01-143
Telecommunications Association and Personal	)	
Communications Industry Association	)	
	)	

**REPLY COMMENTS  
of the  
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT  
OF SMALL TELECOMMUNICATIONS COMPANIES**

**I. Introduction**

The Organization for the Promotion and Advancement of Small Telecommunications Companies (“OPASTCO”) hereby submits replies in support of comments filed in response to the above-captioned petition of the Competitive Telecommunications Association and the Personal Communications Industry Association (“Petitioners”).<sup>1</sup> Petitioners contend that a public notice issued by the Commission as a clarification of an earlier order constituted a new reporting requirement that was instituted outside of prescribed procedures.

OPASTCO is a national trade association representing over 500 small

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<sup>1</sup> *Common Carrier Bureau Seeks Comment On Petition For Reconsideration Filed By Competitive Telecommunications Association and Personal Communications Industry Association*, Public Notice, DA 01-1966 (rel. Aug. 20, 2001).

telecommunications carriers serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve over 2.5 million customers. All of OPASTCO's members are rural telephone companies as defined in 47 U.S.C. §153(37). OPASTCO holds a seat on the North American Numbering Council and actively participates in that body's deliberations.

## **II. Comments**

On June 11, 2001, the Commission issued what was termed a "clarification"<sup>2</sup> of a previous order in this proceeding<sup>3</sup> regarding the information carriers must supply when filing Numbering Utilization and Forecasting Reports. According to this Reporting Notice, carriers' utilization of non-geographic 500 and 900 Numbering Plan Areas must also be included in these reports. The Petitioners and commenting parties demonstrate that this clarification imposes new reporting requirements on carriers that were not included in the Order. This was done without the requisite public notice, the opportunity for interested parties to comment, or the approval of the Office of Management and Budget ("OMB").<sup>4</sup>

OPASTCO concurs with the Petitioners and commenters that the Reporting Notice's imposition of new requirements in this manner runs counter to the Administrative Procedures

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<sup>2</sup> *Common Carrier Bureau Clarifies that Future Filings of Numbering Utilization and Forecast Reports Must Include Numbering Resources in the 500 and 900 NPAs*, Public Notice, DA 01-1409 (rel. June 11, 2001) ("Reporting Notice").

<sup>3</sup> *See Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000) ("Order").

<sup>4</sup> *See Petition for Reconsideration of Competitive Telecommunications Association and Personal Communications Industry Association*, fil. July 12, 2001 ("Petition"). *See also* comments filed Sept. 19, 2001 by AT&T Corp. ("AT&T"); Cellular Telecommunications and Internet Association ("CTIA"); Sprint Corporation ("Sprint"); United States Telecom Association ("USTA"); and WorldCom, Inc. ("WorldCom").

OPASTCO Reply Comments  
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Act,<sup>5</sup> as well as the Paperwork Reduction Act.<sup>6</sup> OPASTCO notes that increased reporting requirements are also subject to the Regulatory Flexibility Act of 1980,<sup>7</sup> as amended by the Small Business Regulatory Enforcement Fairness Act of 1996.<sup>8</sup>

### **III. Conclusion**

While the burdens imposed upon small carriers in some cases may not be great, it is important for all new regulations to be adopted only after proper procedures have been followed. Laws regarding public notice, the opportunity for comment, OMB review and regulatory flexibility analyses have been instituted by Congress in order to minimize the negative impacts of possible unintended consequences that can be brought about by new regulations. Therefore, OPASTCO supports the requests made by the Petitioners and commenters for the Commission to rescind the requirements promulgated in the Reporting Notice, pending the fulfillment of the established procedures noted above.

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<sup>5</sup> Petition, pp. 5-12; AT&T, pp. 2-3; CTIA, p. 3; Sprint, pp. 1-2; USTA, pp. 2-4; WorldCom pp. 1-2.

<sup>6</sup> Petition, pp. 12-15; CTIA, pp. 3-4; WorldCom, pp. 3-4.

<sup>7</sup> 5 U.S.C. § 601 *et. seq.*

<sup>8</sup> *Ibid.* § 612(a).

Respectfully submitted,

**THE ORGANIZATION FOR THE PROMOTION AND  
ADVANCEMENT OF SMALL  
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October 4, 2001

**Certificate of Service**

I, Alicia C. Reid, hereby certify that copies of OPASTCO's comments were sent on this, the 4<sup>th</sup> day of October, 2001 by first class United States mail, postage prepaid, to those listed on the attached sheet.

/s/ Alicia C. Reid  
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CC Docket 99-200

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